(44)

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 27

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Ross HYNES (Canada)

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III.	Organization of the forty-sixth session		

*/ E/CN.4/1990/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1990/L.11 and addenda.

GE.90-11776/2943a

III. ORGANIZATION OF THE FORTY-SIXTH SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its forty-sixth session at the United Nations Office at Geneva from 29 January to 9 March 1990.

2. The session was opened (1st meeting) by Mr. Marc Bossuyt (Belgium), Chairman of the Commission at its forty-fifth session, who made a statement. The Under-Secretary-General for Human Rights also addressed the Commission.

B. Attendance

3. The session was attended by representatives of States members of the Commission, by observers from other States Members of the United Nations, by observers from non-member States and by representatives of specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I below.

C. Election of officers

4. At its 1st meeting, on 29 January 1990, the Commission elected the following officers by acclamation:

Chairman:	Mrs. Purificación V. Quisumbing (Phillipines)
Vice-Chairmen:	Mr. Todor Ditchev (Bulgaria)
	Mrs. Zelmira Regazzoli (Argentina)
	Mrs. Kongit Sinegiorgis (Ethiopia)
Rapporteur:	Mr. Ross Hynes (Canada)

D. Agenda

5. At its 1st meeting, on 29 January 1990, the Commission had before it the provisional agenda for the forty-sixth session (E/CN.4/1990/1), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Commission at its forty-fifth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

6. At the same meeting, the representative of Peru made a proposal to amend the provisional agenda. The observer for Ireland made a statement on behalf of the European Community, seconding the proposal made by the representative of Peru. The proposal made by the representative of Peru was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1990/101.

7. The agenda, as amended, was adopted without a vote. The items of the agenda of the forty-sixth session of the Commission were renumbered accordingly. The agenda, as adopted, is given in annex II below.

8. At the same meeting, the representative of China made a statement concerning the agenda as adopted.

E. Organization of work

9. At its 2nd meeting, on 30 January 1990, the Commission considered the organization of its work.

10. At the same meeting, it decided to set up an informal open-ended working group to consider, under item 11, the request made by the General Assembly in operative paragraph 3 of its resolution 44/167 of 15 December 1989.

11. At the same meeting, upon the recommendation of its officers, the Commission decided to invite the following persons to participate in the meetings at which their reports were to be considered:

(a) In connection with item 5: Mr. M. Balanda, Chairman of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa;

(b) In connection with item 9: Mr. E. Bernales Ballesteros, Special Rapporteur on mercenaries;

(c) In connection with item 10 (a): Mr. P. Kooijmans, Special Rapporteur on the question of torture; in connection with item 10 (b): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(d) In connection with item 12: Mr. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; Mr. R. Galindo Pohl, Special Representative on the situation of human rights in the Islamic Republic of Iran; Mr. J.A. Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador; Mr. F. Volio Jiménez, Special Rapporteur on the situation of human rights in Chile; Mr. J. Voyame, Special Rapporteur on the situation of human rights in Romania; Mr. S. Amos Wako, Special Rapporteur on summary or arbitrary executions; and experts and representatives of States in respect of which situations were being considered under item 12 (b);

(e) In connection with item 19: Mr. F. Yimer, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and of its Working Group on Situations;

(f) In connection with item 22: Mr. H. Gros Espiell, Expert appointed by the Secretary-General on the situation in Guatemala; Mr. A. Texier, Expert appointed by the Secretary-General on the situation in Haiti;

READEX FICHE

(q) In connection with item 23: Mr. A. V. d'Almeida Ribeiro, Special Rapporteur on the question of religious intolerance.

12. For the text of the decision, see chapter II, section B, decision 1990/102.

13. At the same meeting, bearing in mind the respective priority of the items and the availability of the relevant documentation, the Commission accepted the recommendation of its officers to the effect that the following items should be considered concurrently: items 4 and 9; items 5, 6, 15 and 16; items 7, 8, 17 and 18; items 13 and 21. The Commission further agreed to consider the items on its agenda in the following order: 4, 9, 5, 6, 15, 16, 7, 8, 17, 18, 23, 10, 12, 22, 14, 19, 11, 20, 24, 13, 21, 25, 26, 27.

14. The Commission accepted the recommendation of its officers regarding the limitation of the frequency and duration of statements. Members of the Commission were limited to one statement of 15 minutes or to two statements of 10 minutes per item. Observers and non-governmental organizations were limited to one statement of 10 minutes per item, while observer States mentioned in a report and liberation movements could make one statement of 15 minutes per item. It was also agreed that, with regard to rights of reply, the practice followed by the General Assembly, namely a limitation of two replies, 5 minutes for the first and 3 minutes for the second, would again be observed.

15. At the 2nd meeting, on 30 January 1990, the Chairman read a letter dated 29 January 1990, addressed to her from the Secretary-General, concerning Commission decision 1989/113 entitled "Consideration of the report of the mission which took place in Cuba in accordance with Commission decision 1988/106".

F. Meetings, resolutions and documentation

16. The Commission held 56 meetings.

17. The resolutions and decisions adopted by the Commission at its forty-sixth session are contained in chapter II of the present report. Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I.

18. Annex III contains estimates of the administrative and programme budget implications of the Commission's resolutions and decisions prepared in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

19. Annex IV contains a list of documents issued for the forty-sixth session of the Commission.

G. Visits

20. At the 5th meeting, on 1 February 1990, the Second Vice-President of Sudan, Colonel Al Amin Khalifa, addressed the Commission.

21. At the 6th meeting, on 1 February 1990, the Minister for Foreign Affairs of Cyprus, Mr. Georges Iacovou, addressed the Commission.

22. At the 7th meeting, on 2 February 1990, the Minister for Foreign Affairs of Ireland, Mr. Gerard Collins, addressed the Commission.

23. At the 11th meeting, on 6 February 1990, the Secretary for Foreign Affairs of the Philippines, Mr. Raúl S. Manglapus, addressed the Commission.

24. At the 11th meeting, on 6 February 1990, the Minister for Foreign Affairs of the Netherlands, Mr. Hans van den Broek, addressed the Commission.

25. At the 12th meeting, on 6 February 1990, the Minister for Foreign Affairs of Austria, Mr. Alois Mock, addressed the Commission. At the same meeting, the representative of Cuba made a statement in right of reply.

26. At the 12th meeting, on 6 February 1990, the President of Poland, General Wojciech Jaruzelski, addressed the Commission.

27. At the 22nd meeting, on 13 February 1990, the Parliamentary Under-Secretary for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, Mr. Tim Sainsbury, addressed the Commission.

28. At the 36th meeting, on 22 February 1990, the United Nations High Commissioner for Refugees, Mr. Thorvald Stoltenberg, addressed the Commission.

29. At the 37th meeting, on 23 February 1990, the Secretary of State for Foreign Affairs of Hungary, Mr. Ferenc Somogyi, addressed the Commission.

30. At the 46th meeting, on 1 March 1990, the Deputy Minister for Foreign Affairs of the Union of Soviet Socialist Republics, Mr. Anatoly Adamishin, addressed the Commission.

31. At the 47th meeting, on 2 March 1990, the Minister for Foreign Affairs of Guatemala, Mr. Ariel Rivera-Irias, addressed the Commission.

H. Other matters

32. At its 1st meeting, on 29 January 1990, the Commission observed one minute of silence in tribute to the late Andrei Sakharov.

33. At the 10th meeting, on 5 February 1990, the observer of the Democratic Kampuchea made a statement, announcing that it was henceforth renamed Cambodia.

34. At the 19th meeting, on 12 February 1990, the Chairman of the Commission made a statement concerning the release of Mr. Nelson Mandela in South Africa on 11 February 1990.

35. At the 28th meeting, on 16 February 1990, the Chairman of the Commission made a statement concerning the ongoing situation in East Beirut, Lebanon.

36. On 22 February 1990, the Commission held special closed meetings (E/CN.4/1990/SR.35/Add.1 and E/CN.4/1990/SR.36/Add.1) in implementation of a confidential resolution adopted by it at its forty-fifth session under agenda item 12 (b). In this connection, reference is made to document E/CN.4/1990/79 listed in chapter XI of the present report.

37. At the 40th meeting, on 26 February 1990, the representative of Italy made a statement in tribute to the late Sandro Pertini, former President of Italy.

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DRAFT REPORT OF THE COMMISSION

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XXI.	Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences		

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XXI. MEASURES TO BE TAKEN AGAINST ALL TOTALITARIAN OR OTHER IDEOLOGIES AND PRACTICES, INCLUDING NAZI, FASCIST AND NEO-FASCIST, BASED ON RACIAL OR ETHNIC EXCLUSIVENESS OR INTOLERANCE, HATRED, TERROR, SYSTEMATIC DENIAL OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, OR WHICH HAVE SUCH CONSEQUENCES

1. The Commission considered agenda item 21 at its 51st and 52nd meetings, held on 6 March, and at its 54th meeting, held on 7 March 1990. 2/

2. The Commission had before it the following document:

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/11).

3. In the general debate on this item, 3/ a statement was made by the representative of the United States of America (51st).

4. The Commission heard statements by the observers for: Byelorussian Soviet Socialist Republic (52nd), German Democratic Republic (52nd), Israel (52nd), Libyan Arab Jamahiriya (52nd), Syrian Arab Republic (51st).

5. The Commission also heard statements by the following non-governmental organizations: Christian Democratic International (52nd), International Association of Educators for World Peace (52nd), International Council of Jewish Women (52nd), International Federation of Free Journalists (52nd), International Indian Treaty Council (52nd), International Movement for Fraternal Union among Races and Peoples (52nd), International Organization for the Elimination of All Forms of Racial Discrimination (52nd), World Jewish Congress (52nd), World Union for Progressive Judaism (52nd).

6. Statements equivalent to a right of reply were made by the observers for Israel (51st), Kuwait (54th), the Libyan Arab Jamahiriya (52nd) and the Syrian Arab Republic (52nd).

7. At the 52nd meeting, on 6 March 1990, the observer for the Byelorussian Soviet Socialist Republic* introduced draft resolution E/CN.4/1990/L.82, sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic*, Czechoslovakia*, the German Democratic Republic*, Hungary, Poland*, Romania*, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics. Cuba subsequently joined the sponsors.

8. The observer for the Byelorussian Soviet Socialist Republic orally revised the fifth preambular paragraph and operative paragaraph 4 of draft resolution E/CN.4/1990/L.82 as follows:

(a) In the fifth preambular paragraph, the words "and legislation" were inserted between the word "systems" and the word "based";

(b) In operative paragraph 4, the word "or" was inserted between the word "prosecution" and the word "extradition".

9. The draft resolution, as orally revised, was adopted without a vote.

10. For the text as adopted, see chapter II, section A, resolution 1990/46.

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DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Ross HYNES (Canada)

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XXII	Advisory services in the field of human rights		

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XXII. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

1. The Commission considered agenda item 22 at its 44th to 46th meetings, held on 28 February and 1 March, and at its 53rd and 54th meetings, held on 7 March 1990. 2/

2. The Commission had before it the following documents:

Report on Equatorial Guinea prepared by the Expert, Mr. Fernando Volio Jiménez, in accordance with resolution 1989/70, paragraph 3, of the Commission on Human Rights (E/CN.4/1990/42 and Add.1);

Report of the Secretary-General (E/CN.4/1990/43);

Report on Haiti by the Expert, Mr. Philippe Texier, prepared in conformity with Commission on Human Rights resolution 1989/73 (E/CN.4/1990/44 and Add.1);

Report by the Expert, Mr. Héctor Gros Espiell, on Guatemala, prepared in accordance with paragraph 9 of Commission resolution 1989/74 (E/CN.4/1990/45 and Add.1);

Report submitted by Mr. Angelo Vidal d'Almeida Ribeiro, Special Rapporteur appointed in accordance with Commission on Human Rights resolution 1986/20 of 10 March 1986 (E/CN.4/1990/46);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/19);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1990/20).

3. At the 22nd meeting, on 13 February 1990, Mr. Héctor Gros Espiell, Expert appointed by the Secretary-General on the situation in Guatamala, introduced his report (E/CN.4/1990/45 and Add.1).

4. At the 44th meeting, on 28 February 1990, Mr. F. Volio Jiménez, Expert appointed by the Secretary-General on the situation in Equatorial Guinea, introduced his report (E/CN.4/1990/42).

5. At the same meeting, Mr. P. Texier, Expert appointed by the Secretary-General on the situation in Haiti, introduced his report (E/CN.4/1990/44 and Add.1).

6. In the general debate on this item, 3/ statements were made by the following members of the Commission: Canada (44th), Colombia (45th), Italy (44th), Japan (44th), Mexico (45th), Nigeria (44th), Philippines (44th), Portugal (45th), Swaziland (45th), Sweden (44th), Union of Soviet Socialist Republics (44th), United Kingdom of Great Britain and Northern Ireland (44th), Venezuela (44th).

7. The Commission heard statements by the observers for: Austria (44th), Greece (44th), Guatamala (45th), Haiti (44th), Switzerland (45th).

8. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (44th), Andean Commission of Jurists (44th), Four Directions Council (44th), International Association Against Torture (44th), International Commission of Jurists (44th), International Confederation of Free Trade Unions (44th), International Federation for Human Rights (44th), International Fellowship of Reconciliation (45th), International Indian Treaty Council (45th), International League for Human Rights (44th), International League for the Rights and Liberation of Peoples (44th), International Movement for Fraternal Union among Races and Peoples (44th), Latin American Federation of Associations of Relatives of Disappeared Detainees (44th), World Association for World Federation (45th), World Federation of Democratic Youth (45th), World University Service (44th)

9. A statement in right of reply was made by the representative of Yugoslavia (46th).

10. At its 53rd and 54th meetings, on 7 March 1990, the Commission took up consideration of the draft resolutions submitted under agenda item 22.

11. On 14 February 1990, a draft resolution (E/CN.4/1990/L.16) was submitted by France, reading as follows:

"The Commission on Human Rights,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Reaffirming that the Governments of all Member States are required to promote and protect human rights and fundamental freedoms,

"Alarmed by the proliferation of acts of violence in Haiti, particularly against arrested or detained persons, and by the apparent inability of the Haitian judicial system to put an end to such acts,

"Observing that the human rights situation in Haiti remains disturbing and even seems to have deteriorated since July 1989, particularly in rural areas,

"Noting that the state of siege introduced on 20 January 1990 was lifted on 30 January and that a general amnesty for prisoners detained for attacks on the security of the State was announced on 7 February, but that many persons remain imprisoned or exiled and that, particularly because of the threats to their security, Haitians are not able to express their opinions freely and to participate under satisfactory conditions in the preparation of elections,

"Taking account of the report of Mr. Philippe Texier, the Expert appointed by the Secretary-General (E/CN.4/1990/44 and Add.1),

"1. Expresses its appreciation to the Expert for his report and for the way in which he has discharged his mandate;

"2. Welcomes the co-operation extended by the Haitian authorities to the Expert during his visit to Haiti from 25 July to 3 August 1989;

"3. Notes, however, that the Haitian authorities have not acted upon the assistance proposals which he submitted to them under the advisory services programme;

"4. Expresses the hope that the Haitian authorities will ensure that elections are held as scheduled and in appropriate conditions of honesty and security, under the supervision of impartial observers;

"5. Requests the Haitian authorities to proceed forthwith to take the necessary measures to enable exiled opponents to return and to ensure their security, so that they can participate in preparing the elections;

"6. Invites the Haitian Government to bring back into force the full Constitution of 29 March 1987, which was adopted in a referendum by an overwhelming majority;

"7. Invites the Haitian Government to expedite the investigation into the principal massacres, particularly those of 29 November 1987 and 11 September 1988, and to bring those responsible to trial;

"8. Further invites the Haitian Government to ratify the International Covenants and international conventions on human rights, in accordance with its undertaking of December 1988;

"9. Requests the Chairman of the Commission on Human Rights to appoint a representative of the Commission to examine developments in the human rights situation in Haiti and to help to devise measures capable of making the necessary improvements;

"10. Calls upon the Haitian authorities to co-operate fully with the Commission's representative;

"11. Requests the Secretary-General to provide the Commission's representative with all necessary assistance in performing his task;

"12. Requests the Commission's representative to report to it at its forty-seventh session on developments in the human rights situation in Haiti;

"13. Decides to continue consideration of the situation in Haiti at its forty-seventh session under item 12 of its agenda, 'Question of the violation of human rights and fundamental freedoms in any part of the world'."

12. At the 53rd meeting, on 7 March 1990, the representative of France introduced a revised draft resolution (E/CN.4/1990/L.16/Rev.1), sponsored by France and Peru.

13. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.49) of the revised draft resolution (E/CN.4/1990/L.16/Rev.1). 1/

14. The draft resolution was adopted without a vote.

15. Statements in explanation of vote after the vote were made by the representatives of the United States of America and Venezuela on behalf of Argentina, Brazil, Colombia, Mexico and Venezuela.

16. For the text as adopted, see chapter II, section A, resolution 1990/56.

17. At the same meeting, the observer of Costa Rica* introduced draft resolution E/CN.4/1990/L.68, sponsored by Bolivia*, Canada, Costa Rica* and Peru.

18. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.100) of draft resolution E/CN.4/1990/69. 1/

19. The draft resolution was adopted without a vote.

20. For the text as adopted, see chapter II, section A, resolution 1990/57.

21. At the same meeting, the representative of the Federal Republic of Germany introduced draft resolution E/CN.4/1990/L.72, sponsored by Austria*, Belgium, Bulgaria, Canada, Colombia, Costa Rica*, Cyprus, Denmark*, El Salvador*, Finland*, France, Germany, Federal Republic of, Italy, the Netherlands*, New Zealand*, Norway*, Peru, Senegal, Sweden, Switzerland*, Togo*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland. Japan, Madagascar and the Philippines subsquently joined the sponsors.

22. The draft resolution was adopted without a vote.

23. For the text as adopted, see chapter II, section A, resolution 1990/58.

24. At the same meeting, the representative of the Federal Republic of Germany introduced the draft resolution E/CN.4/1990/L.73, sponsored by Austria*, Canada, Colombia, Costa Rica*, Cyprus, Denmark*, El Salvador*, Finland*, France, Germany, Federal Republic of, Italy, the Netherlands*, New Zealand*, Norway*, Peru, Senegal, Sweden, Switzerland*, Togo* and the United Kingdom of Great Britain and Northern Ireland. The Gambia, Japan and Madagascar subsequently joined the sponsors.

25. The draft resolution was adopted without a vote.

26. For the text as adopted, see chapter II, section A, resolution 1990/59.

27. At the same meeting, the Chairman of the Commission introduced draft resolution E/CN.4/1990/L.90.

28. The draft resolution was adopted without a vote.

29. For the text as adopted, see chapter II, section A, resolution 1990/60.

30. At the same meeting, the Commission had before it draft resolution V recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1990/2, chap. I, sect. A).

31. The draft resolution was adopted without a vote.

32. For the text as adopted, see chapter II, section A, resolution 1990/61.

33. On 27 February 1990, a draft resolution (E/CN.4/1990/L.37) was submitted by Argentina, Brazil, Colombia, Mexico, Peru, Uruguay* and Venezuela, reading as follows:

"The Commission on Human Rights,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

"Recalling its resolution 1989/74 of 8 March 1989 on assistance to Guatemala in the field of human rights,

"Taking into account resolution 1989/6 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Having considered the report of the Expert, Mr. Héctor Gros Espiell (E/CN.4/1990/45 and Add.1),

"Having also considered the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13) and the reports of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1990/22 and Corr.1) and of the Special Rapporteur on torture (E/CN.4/1990/17),

"Taking into account the fact that the constitutional Government of Guatemala has made considerable efforts to guarantee the full application of human rights and fundamental freedoms and promote the process of democratic consolidation, and is to hold general elections in October of this year,

"Taking note of the fact that the Procurator for Human Rights, with the support of the Government of Guatemala, has decided to expand and strengthen his functions by, inter alia, establishing an investigation department and departmental offices throughout Guatemala and expanding his procuratorial functions before the courts,

"Seriously concerned, however, at the persistent climate of violence in Guatemala, which has worsened and in which serious violations of human rights are still occurring, as a result of the activities of groups beyond the control of the Government,

"Deeply disturbed also by the activities of the 'death squads' which are deemed responsible for disappearances and murders,

"Concerned further at the economic, social and cultural rights situation of the Guatemalan population in general,

"Disturbed by the serious situation faced since time immemorial by the indigenous populations, who have been subjected to discrimination and exploitation, as well as to serious violations of their human rights and fundamental freedoms,

"Taking note of the fact that the advisory services have helped to create an awareness of the importance of promoting and protecting human rights and fundamental freedoms,

"Considering that it is necessary to continue to observe the situation through advisory services in the field of human rights, with a view to promoting full respect for human rights and fundamental freedoms and supporting the Government's efforts in that direction,

"1. Expresses its gratitude to the Experts for the work done during his term of office and thanks him for his report and recommendations;

"2. Expresses its appreciation also to the Government of Guatemala for its collaboration with the Commission on Human Rights in carrying out its advisory activities, as well as for the facilities and co-operation afforded to the Expert;

"3. Recognizes that, while the Government of Guatemala has upheld its commitment to guaranteeing the protection of fundamental rights and freedoms, it has been unable to implement the decision taken with sufficient authority, so that the social violence and violations of human rights have continued;

"4. Supports therefore the recommendations contained in the Expert's report (E/CN.4/1990/45) that the programme of asssistance and advisory services in the field of human rights should be continued and strengthened;

"5. Urgently appeals to the Government of Guatemala to continue to accord priority to its undertaking under the Esquipulas II Agreements and to promote and participate more actively in the national reconciliation dialogue, as one of the ways of consolidating the democratic process;

"6. Deeply deplores the increase in murders, kidnappings and attacks on and threats against persons involved in political activities as jeopardizing the democratization process;

"7. Expresses its profound concern at the resurgence of criminal activities of so-called 'death squads' and other groups outside the control of the Government;

"8. Deplores, in particular, the recent murders of a member of the National Revolutionary Movement Party (MNR) of El Salvador, Secretary for Latin America of the Socialist International and of a Guatemalan lawyer, on 12 January 1990 in Guatemala, and requests the Guatemalan Government to continue and strengthen the investigation already under way, with a view to identifying and punishing the culprits;

"9. Requests the Government of Guatemala to intensify its efforts to ensure that all its authorities and security forces fully respect the human rights and fundamental freedoms of the Guatemalan people;

"10. Urges the Government of Guatemala to initiate or intensify, as the case may be, investigations aimed at identifying and bringing to justice those responsible for acts of torture, disappearances, murders and extra-legal executions;

"11. Further urges the Government of Guatemala to promote any measures necessary to identify and punish members of 'death squads';

"12. Encourages the Government of Guatemala to strengthen policies and programmes relating to the situation of the indigenous populations, taking into account their proposals and aspirations, to enable them to enjoy fully their fundamental rights and freedoms;

"13. Requests the Secretary-General to continue to provide the Government of Guatemala with such advisory services and other forms of assistance in the field of human rights as may be necessary to foster and strengthen the consolidation of the democratic process, and promote a human rights culture;

"14. Requests the Secretary-General to appoint an Expert to continue assistance to the Government in the field of human rights and to report to the Commission at its forty-seventh session on his advisory activities and on the situation in the country."

34. At the 54th meeting, on 7 March 1990, the representative of Peru introduced a revised draft resolution (E/CN.4/1990/L.37/Rev.1), sponsored by Argentina, Belgium, Brazil, Canada, Colombia, Denmark*, Ireland*, Luxembourg*, Mexico, the Netherlands*, Norway*, Peru, Spain, Sweden, Uruguay* and Venezuela. France subsquently joined the sponsors.

35. A statement relating to draft resolution E/CN.4/1990/L.37/Rev.1 was made by the representative of Senegal.

36. The revised draft resolution was adopted without a vote.

37. A statement in explanation of vote after the vote was made by the representatives of the United States of America.

38. For the text as adopted, see chapter II, section A, resolution 1990/80.

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DRAFT REPORT OF THE COMMISSION

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XXIII. IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

1. The Commission considered agenda item 23 at its 21st to 23rd meetings, held from 13 to 14 February 1990, and at its 48th meeting held on 2 March 1990. 2/

2. The Commission had before it the following documents:

Report submitted by Mr. Angelo Vidal d'Almeida Ribeiro, Special Rapporteur appointed in accordance with Commission on Human Rights resolution 1986/20 of 10 March 1986 (E/CN.4/1990/46);

Letter dated 15 February 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the Chairman of the Commission on Human Rights (E/CN.4/1990/71);

Written statement submitted by the Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/5).

3. At the 22nd meeting, on 13 February 1990, the Special Rapporteur, Mr. A. Vidal d'Almeida Ribeiro, introduced his report.

4. In the general debate on this item, 3/ statements were made by the following members of the Commission: Belgium (23rd), Botswana (22nd), China (22nd), Ethiopia (22nd), Hungary (22nd), India (22nd), Iraq (22nd), Italy (22nd), Portugal (22nd), Senegal (22nd), Ukrainian Soviet Socialist Republic (23rd), United Kingdom of Great Britain and Northern Ireland (22nd), United States of America (22nd), Venezuela (22nd).

5. The Commission heard statements by the Observers for: Austria (23rd), Czechoslovakia (22nd), Egypt (22nd), Indonesia (22nd), Switzerland (22nd), Syrian Arab Republic (22nd).

6. The Observer for the Holy See (22nd) made a statement.

7. The Commission also heard statements by the following non-governmental organizations: Baha'i International Community (22nd), Christian Democratic International (22nd), Commission of the Churches on International Affairs of the World Council of Churches (23rd), Four Directions Council (22nd), Human Rights Advocates (22nd), International Association for the Defence of Religious Liberty (22nd), International Association of Educators for World Peace (23rd), International Organization for the Elimination of All Forms of Racial Discrimination (23rd), Minority Rights Group (22nd), Pax Romana (22nd), World Union for Progressive Judaism (22nd).

8. The Commission also heard a joint statement by World Jewish Congress (22nd) on behalf of the following non-governmental organizations: Co-ordinating Board of Jewish Organizations and World Jewish Congress.

9. Statements equivalent to right of reply were made by the Observers for Greece (23rd) and Turkey (23rd).

10. At its 48th meeting, on 2 March 1990, the Commission took up consideration of the draft resolution submitted under item 23.

11. The representative of Canada introduced draft resolution E/CN.4/1990/L.34, sponsored by Argentina, Austria*, Belgium, Canada, Finland*, France, the Gambia, Germany, Federal Republic of, Ireland*, Italy, Japan, Luxembourg*, the Netherlands*, New Zealand*, Peru, Philippines, Poland*, Portugal, Senegal, Sweden, Switzerland*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United States of America. Hungary and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

12. The representative of Canada orally revised operative paragraph 11 by replacing the word "three" with the word "two".

13. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.35) of draft resolution E/CN.4/1990/L.34. 1/

14. The draft resolution, as orally revised, was adopted without a vote.

15. For the text as adopted, see chapter II, Section A, resolution 1990/27.

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*/ E/CN.4/1990/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1990/L.11 and addenda.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

1. The Commission considered agenda item 4, concurrently with item 9 (see chap. IX), at its 2nd to 10th meetings, held from 30 January to 5 February 1990, and at its 28th meeting, held on 16 February 1990. 2/

2. The Commission had before it the following documents:

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories: note by the Secretary-General (in pursuance of General Assembly resolution 43/58A) (A/44/599);

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories: note by the Secretary-General in pursuance of General Assembly resolution 43/58A (A/44/352);

Report of the Secretary-General (E/CN.4/1990/3);

Note by the Secretary-General (E/CN.4/1990/4);

Letter dated 18 September 1989 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1990/59);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/14);

Written statement submitted by the International League for the Rights and the Liberation of Peoples, a non-governmental organization on the Roster (E/CN.4/1990/NGO/21);

Written statement submitted by the International Organization of Journalists, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/22);

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/36).

3. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (6th), Bangladesh (2nd), Belgium (6th), Brazil (6th), Bulgaria (4th), Canada (5th), China (5th),

Cuba (4th), Cyprus (6th), France (5th), Ghana (6th), Hungary (5th), India (3rd), Iraq (8th), Italy (4th), Japan (5th), Madagascar (6th), Morocco (4th), Nigeria (4th), Pakistan (4th), Philippines (6th), Portugal (4th), Senegal (6th), Somalia (8th), Spain (5th), Sri Lanka (5th), Sweden (5th), Ukrainian Soviet Socialist Republic (5th), United Kingdom of Great Britain and Northern Ireland (5th), Union of Soviet Socialist Republics (4th), United States of America (6th), Yugoslavia (4th).

4. The Commission also heard statements by the observers for: Algeria (6th), Austria (4th), Bahrain (4th), Czechoslovakia (5th), Democratic Yemen (8th), Egypt (3rd), German Democratic Republic (4th), Greece (7th), Indonesia (7th), Iran (9th), Ireland (6th), Israel (7th), Jordan (2nd), Kuwait (2nd), Libyan Arab Jamahiriya (6th), Nicaragua (7th), Oman (3rd), Qatar (8th), Syrian Arab Republic (2nd), Tunisia (6th), Turkey (4th), United Arab Emirates (3rd), United Republic of Tanzania (9th), Yemen Arab Republic (6th).

5. A statement was made by the observer for Palestine (2nd).

6. The Commission also heard statements by the following non-governmental organizations: Arab Organization for Human Rights (8th), International Commission of Jurists (3rd), International Organization for the Elimination of All Forms of Racial Discrimination (9th), Pax Romana (10th), Union of Arab Jurists (8th), World Confederation of Labour (8th), World Union for Progressive Judaism (3rd), World University Service (8th).

7. Statements equivalent to right of reply were made by the observers for Egypt (10th), Israel (10th) and Jordan (4th).

8. At its 28th meeting, on 16 February 1990, the Commission took up consideration of the draft resolutions submitted under agenda item 4.

9. The observer for Ireland introduced draft resolution E/CN.4/1990/L.4, sponsored by Belgium, Denmark*, Egypt*, France, Germany, Federal Republic of, Greece*, Ireland*, Italy, Japan, Luxembourg*, Morocco, the Netherlands*, New Zealand*, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Austria*, Lebanon, Turkey* and the Union of Soviet Socialist Republics subsequently joined the sponsors.

10. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1990/L.4. The draft resolution was adopted by 42 votes to none, with 1 abstention. The voting was as follows:

In favour: Argentina, Bangladesh, Belgium, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Ethiopia, France, Gambia, Germany, Federal Republic of, Ghana, Hungary, India, Iraq, Italy, Japan, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Portugal, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Swaziland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia.

Against: None.

Abstaining: United States of America.

11. Statements in explanation of vote after the vote were made by the representatives of Brazil, Peru, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

12. For the text as adopted, see chapter II, section A, resolution 1990/1.

13. At the same meeting, the representative of Madagascar introduced two draft resolutions, A and B (E/CN.4/1990/L.6), sponsored by Algeria*, Bahrain*, Bangladesh, China, Cuba, the Democratic Yemen*, Egypt*, the Gambia, Ghana, India, Iraq, Jordan*, Kuwait*, the Libyan Arab Jamahiriya*, Madagascar, Mauritania*, Morocco, Nigeria, Oman*, Pakistan, Qatar*, Saudi Arabia*, Senegal, Somalia, Sri Lanka, Sudan*, the Syrian Arab Republic*, Tunisia*, the Ukrainian Soviet Socialist Republic, the United Arab Emirates* and Yemen*. Afghanistan*, Angola*, Nicaragua* and Yugoslavia subsequently joined the sponsors.

14. Revisions were made by the sponsors to operative paragraphs 3 and 6 of draft resolution A (E/CN.4/1990/L.6), as follows:

The words "occupied Palestine" were replaced by the words "the Palestinian and other occupied Arab territories".

15. At the request of the representative of the United States of America, a separate vote was taken on draft resolution A. The draft resolution was adopted by 38 votes to 1, with 1 abstention.

16. For the text as adopted, see chapter II, section A, resolution 1990/2 A.

17. At the request of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on operative paragraph 1 of draft resolution B (E/CN.4/1990/L.6).

18. Operative paragraph 1 was adopted by 43 votes to none. The voting was as follows:

In favour: Argentina, Bangladesh, Belgium, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Ethiopia, France, Gambia, Germany, Federal Republic of, Ghana, Hungary, India, Iraq, Italy, Japan, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Portugal, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Swaziland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: None.

19. The representative of the United States of America requested a vote on operative paragraph 2 of draft resolution B.

20. A statement in explanation of vote before the vote was made by the representative of the United States of America.

21. Operative paragraph 2 was adopted by 32 votes to 10, with 1 abstention.

22. At the request of the representative of Cuba, a roll-call vote was taken on draft resolution B as a whole, which was adopted by 32 votes to 1, with 10 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

23. Statements in explanation of vote after the vote on the resolutions 1990/2 A and B were made by the representatives of Canada, Peru and the United Kingdom of Great Britain and Northern Ireland. A statement in explanation of vote after the vote on resolution 1990/2 B was made by the representative of Mexico.

24. For the text as adopted, see chapter II, section A, resolution 1990/2 B.

25. At the same meeting, the representative of Bangladesh introduced draft resolution E/CN.4/1990/L.13, sponsored by Algeria*, Cuba, Bahrain*, Bangladesh, the Byelorussian Soviet Socialist Republic*, the Democratic Yemen*, Egypt*, India, Iran*, Iraq, Jordan*, Kuwait*, the Libyan Arab Jamahiriya*, Mauritania*, Morocco, Pakistan, Qatar*, Saudi Arabia*, Senegal, Somalia, Sudan*, the Syrian Arab Republic*, Tunisia*, the Ukrainian Soviet Socialist Republic, the United Arab Emirates*, the Union of Soviet Socialist Republics, Yemen* and Yugoslavia. Afghanistan*, Angola*, Cyprus, the Gambia, Lebanon*, Nicaragua* and the United Republic of Tanzania* subsequently joined the sponsors.

26. At the request of the United States of America, a vote was taken on draft resolution E/CN.4/1990/L.13. The draft resolution was adopted by 42 votes to 1.

27. Statements in explanation of vote after the vote on the resolution were made by the representatives of Brazil, Peru, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

28. For the text as adopted, see chapter II, section A, resolution 1990/3.

29. The observer for the Syrian Arab Republic made a statement on the resolutions adopted under agenda item 4.

30. The observer for Palestine also made a statement on the resolutions adopted under the agenda item.

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V. VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

1. The Commission considered agenda item 5 concurrently with items 6, 15 and 16 (see chaps. VI, XV and XVI) at its 10th to 16th meetings, held from 5 to 8 February 1990, at its 34th meeting, held on 21 February, and at its 38th and 42nd meetings, held on 23 and 27 February 1990. 2/

2. The Commission had before it the following documents:

Report of the Secretary-General on torture and inhuman treatment of children in detention in South Africa and Namibia (E/CN.4/1990/6);

Interim report of the Ad Hoc Working Group of Experts on southern Africa prepared in accordance with Commission on Human Rights resolutions 1989/3 and 1989/5 and Economic and Social Council decision 1989/136 (E/CN.4/1990/7 and Add.1);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/13);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/16);

Written statement submitted by the International Organization of Journalists, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/30).

3. At the 10th meeting, on 5 February 1990, Mr. Leliel Mikuin Balanda, Chairman-Rapporteur of the Ad Hoc Working Group of Experts, introduced the Group's report (E/CN.4/1990/7).

4. At the 34th meeting, on 21 February 1990, Mr. Balanda also introduced the Group's report on its visit to Namibia (E/CN.4/1990/7/Add.1).

5. In the general debate on this item, statements were made by the following members of the Commission: Argentina (13th), Belgium (12th), Botswana (11th), Brazil (15th), Bulgaria (13th), Canada (13th), China (14th), Cuba (15th), Cyprus (15th), Ethiopia (15th), France (13th), Ghana (14th), Hungary (13th), India (11th), Iraq (14th), Italy (12th), Japan (15th), Madagascar (13th), Mexico (15th), Morocco (13th), Nigeria (11th), Pakistan (16th), Peru (14th), Philippines (12th), Portugal (14th), Senegal (12th), Somalia (15th), Spain (15th), Sri Lanka (15th), Sweden (12th), Union of Soviet Socialist Republics (14th), United Kingdom of Great Britain and Northern Ireland (14th), United States of America (15th), Venezuela (13th), Yugoslavia (16th).

6. The Commission also heard statements by the observers for: Algeria (13th), Austria (12th), Bahrain (14th), Czechoslovakia (12th), Egypt (13th), German Democratic Republic (15th), Guatemala (14th), Ireland (15th), Kuwait (13th), Libyan Arab Jamahiriya (14th), Sudan (14th), Syrian Arab Republic (14th), Togo (13th), Tunisia (13th), United Republic of Tanzania (14th), Yemen Arab Republic (15th), Zaire (12th), Zimbabwe (14th).

7. A statement was made by the representative of the International Labour Organisation (12th).

8. A statement was also made by the Organization for African Unity (14th).

9. A statement was also made by the observer for the Pan Africanist Congress of Azania (10th).

10. The Commission also heard statements by the following non-governmental organizations: International Confederation of Free Trade Unions (16th), International Federation Terre des Hommes (11th), International Movement for Fraternal Union among Races and Peoples (16th), International Organization for Elimination of All Forms of Racial Discrimination (16th), World Confederation of Labour (14th), World Union for Progressive Judaism (11th), World University Services (15th).

11. At the 38th meeting, on 23 February 1990, the Commission took up consideration of draft resolutions submitted under agenda item 5.

12. The representative of Ghana introduced draft resolution E/CN.4/1990/L.18, sponsored by Algeria*, Angola*, Botswana, Burundi*, Cameroon*, China, Côte d'Ivoire*, Cuba, Egypt*, Ethiopia, Gabon*, the Gambia, Ghana, Iraq, Kenya*, Liberia*, the Libyan Abab Jamahiriya*, Madagascar, Mauritania*, Morocco, Nigeria, Rwanda*, Sao Tome and Principe, Senegal, Somalia, Sudan*, Swaziland, Togo*, Tunisia*, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Republic of Tanzania*, Yugoslavia, Zaire*, and Zimbabwe*. India, Nicaragua*, and the Syrian Arab Republic* subsequently joined the sponsors.

13. Draft resolution E/CN.4/1990/L.18 was adopted without a vote.

14. A statement in explanation of vote after the vote was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

15. For the text as adopted, see Chapter II, section A, resolution 1990/11.

16. At the 42nd meeting, on 27 February 1990, the observer for the United Republic of Tanzania introduced draft resolution E/CN.4/1990/L.20, sponsored by Algeria*, Angola*, Burundi*, China, Egypt*, Ethiopia, the Gambia, Ghana, India, Kenya*, the Libyan Arab Jamahiriya*, Madagascar, Mauritania*,

Nigeria, Rwanda*, Senegal, Somalia, Sudan*, Tunisia*, the United Republic of Tanzania*, Yugoslavia and Zimbabwe*. Cameroon*, Cuba, Iraq, Morocco, Nicaragua*, Peru, and the Syrian Arab Republic* subsequently joined the sponsors.

17. The observer for the United Republic of Tanzania orally revised draft resolution E/CN.4/1990/L.20 as follows:

(a) The original sixth preambular paragraph which read: "Concerned about abductions and assassinations carried out by the South African régime against political refugees and members of the liberation movements in the neighbouring States," was replaced;

(b) The original seventh preambular paragraph which read: "Having examined and taken notice of Mr. F.W. de Klerk's statement of 2 February 1990," was replaced;

(c) The original ninth preambular paragraph which read: "Outraged by South Africa's acts of violence, especially the use of army, the police and murder squads in the black African townships, where killings of defenceless men, women and children are committed," was replaced;

(d) The original seventeenth preambular paragraph which read: "Noting the recent announcement by the South African régime to rescind the ban on the African National Congress of South Africa, the Pan-Africanist Congress of Azania and other political organizations," was deleted;

(e) In operative paragraph 20, the word "significant" was inserted between the words "constituting a" and the word "step".

18. The representative of the Federal Republic of Germany requested a separate roll-call vote on operative paragraph 19 and on the phrase "and are commended to the wider international community for urgent adoption and implementation" in operative paragraph 21.

19. At the request of the representative of Japan, a roll-call vote was taken on operative paragraph 19 of the draft resolution. Operative paragraph 19 was adopted by 26 votes to 8, with 9 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, China, Colombia, Cuba, Cyprus, Ethiopia, the Gambia, Ghana, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Sweden, Venezuela, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, Italy, Japan, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Botswana, Brazil, Bulgaria, Canada, Hungary, Spain, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

20. At the request of the representative of Japan, a roll-call vote was taken on the phrase "and are commended to the wider international community for urgent adoption and implementation" in operative paragraph 21. The last phrase in operative paragraph 21 was adopted by 31 votes to 6, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Ethiopia, the Gambia, Ghana, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Botswana, Hungary, Italy, Japan, Spain, Swaziland.

21. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on draft resolution E/CN.4/1990/L.20 as a whole. The draft resolution, as orally revised, was adopted by 35 votes to 2, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Ethiopia, the Gambia, Ghana, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Swaziland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, France, Germany, Federal Republic of, Italy, Japan, Portugal.

22. Statements in explanation of vote after the vote were made by the representatives of Canada, Germany, Federal Republic of, Japan, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

23. For the text as adopted see chapter II, section A, resolution 1990/26.

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VI. THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE COLONIAL AND RACIST REGIME IN SOUTHERN AFRICA

1. The Commission considered agenda item 6 concurrently with items 5, 15 and 16 (see chaps. V, XV and XVI) at its 10th to 16th meetings, held from 5 to 8 February, and at its 42nd meeting, held on 27 February 1990. 2/

2. The Commission had before it the updated report on banks, transnational corporations and other organizations assisting the racist régime of South Africa prepared by Mr. A. Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1).

3. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (13th), Belgium (12th), Bulgaria (13th), Canada (13th), China (14th), Cuba (15th), Ethiopia (15th), France (13th), Ghana (14th), India (11th), Iraq (14th), Madagascar (13th), Mexico (15th), Morocco (13th), Nigeria (11th), Pakistan (16th), Somalia (15th), Sri Lanka (15th), Sweden (12th), Union of Soviet Socialist Republics (14th), United Kingdom of Great Britain and Northern Ireland (14th), Venezuela (13th), Yugoslavia (16th).

4. The Commission also heard statements by the observers for: Algeria (13th), Egypt (13th), Libyan Arab Jamahiriya (14th), Sudan (14th), Syrian Arab Republic (11th), Tunisia (13th), United Republic of Tanzania (14th), Yemen Arab Republic (15th).

5. A statement was also made by the observer for the Organization of African Unity (14th).

6. A statement was also made by the World Union for Progressive Judaism (11th).

7. At its 42nd meeting, on 27 February 1990, the Commission took up consideration of the draft resolutions submitted under item 6.

8. The representative of Egypt introduced draft resolution E/CN.4/1990/L.21/Rev.1, sponsored by Algeria*, Bangladesh, Cuba, Egypt*, Ghana, India, Iraq and Kenya*. The Libyan Arab Jamahiriya*, Madagascar, Morocco, Nicaragua*, Nigeria, Pakistan, Sudan*, the Syrian Arab Republic*, Tunisia*, the United Republic of Tanzania* and Zimbabwe* subsequently joined the sponsors.

9. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.....) 1/ of draft resolution E/CN.4/1990/L.21/Rev.1.

10. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on draft resolution E/CN.4/1990/L.21/Rev.1. The draft resolution was adopted by 31 votes to 8, with 4 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Italy, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Japan, Panama, Spain, Sweden.

11. Statements in explanation of votes after the vote were made by the representatives of Japan, the Union of Soviet Socialist Republics and the United States of America.

12. For the text as adopted, see chapter II, section A, resolution 1990/22.

13. At the same meeting, the Commission considered draft resolution VII recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/Sub.2/1989/58 - E/CN.4/1990/2, chap. I, sect. A).

14. The attention of the Commission was drawn to the estimate of the administrative and programme budget implications (E/CN.4/1990/2, annex II) of draft resolution VII.

15. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on draft resolution VII. The draft resolution was adopted by 32 votes to 8, with 3 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Italy, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Japan, Spain, Sweden.

16. A statement in explanation of vote after the vote was made by the representative of Japan.

17. For the text as adopted, see chapter II, section A, resolution 1990/23.

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*/ E/CN.4/1990/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1990/L.11 and addenda.

VII. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS, CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT; (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; (c) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS

1. The Commission considered agenda item 7 concurrently with items 8, 17 and 18 (see chaps. VIII, XVII and XVIII) at its 16th to 21st meetings, held from 8 to 13 February, and at its 38th and 42nd meetings, held on 23 and 27 February 1990. 2/

2. The Commission had before it the following documents:

Report of the Secretary-General (E/CN.4/1990/8);

Communication dated 17 January 1990 from the Permanent Mission of Peru to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1990/66);

Realization of Economic, Social and Cultural Rights; Preliminary report prepared by Mr. Danilo Türk, Special Rapporteur (E/CN.4/Sub.2/1989/19);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/37);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/38);

Written statement submitted by World Alliance of Young Men's Christian Associations, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/56);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization with consultative status (category II) (E/CN.4/1990/NGO/57);

Written statement submitted by the Fourth World NGO Committee, an association of non-governmental organizations with consultative status (categories I and II, and roster) (E/CN.4/1990/NGO/59).

3. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (20th), Belgium (19th), Bolivia (20th), Canada (18th), Cuba (20th), Cyprus (20th), India (20th), Iraq (19th), Italy (20th), Mexico (21st), Morocco (20th), Nigeria (19th), Peru (16th), Philippines (17th), Portugal (19th), Spain (19th), United States of America (17th), Ukrainian Socialist Soviet Republic (17th), Swaziland (19th), Sweden (19th), Venezuela (16th), Yugoslavia (18th).

4. The Commission also heard statements by the observers for: Algeria (20th), Australia (17th), Austria (21st), Byelorussian Socialist Soviet Republic (18th), Bolivia (20th), Czechoslovakia (17th), Ecuador (18th), German Democratic Republic (19th), Guatemala (21st), Iran (20th), Lebanon (17th), Libyan Arab Jamahiriya (17th), Mongolia (18th), Netherlands (18th), Romania (16th), Sudan (21st).

5. A statement was made by the observer for the Holy See (17th).

6. A statement was also made by the observer for the International Labour Organisation (19th).

7. The Commission also heard statements by the following non-governmental organizations: Indian Council of South America (20th), International Association against Torture (17th), International Commission of Health Professionals (17th), International Confederation of Free Trade Unions (20th), International Federation for Human Rights (17th), International Federation Terres des Hommes (18th), International Indian Treaty Council (21st), International League for the Rights and Liberation of Peoples (20th), International Movement ATD Fourth World (17th), International Movement for Fraternal Union among Races and Peoples (21st), International Organization for the Development of Freedom of Education (18th), Inter-Parliamentary Union (18th), Pax Romana (20th), Service, Justice and Peace in Latin America (21st), World Confederation of Labour (17th).

8. At the 21st meeting, on 13 February 1990, statements equivalent to right of reply were made by the observers for Cambodia, Guatemala and Viet Nam.

9. At its 38th meeting, on 23 February 1990, the Commission took up consideration of the draft resolutions submitted under agenda item 7.

10. The representative of Yugoslavia introduced draft resolution E/CN.4/1990/L.23, sponsored by Yugoslavia.

11. The draft resolution was adopted without a vote.

12. A statement in explanation of vote after the vote was made by the representative of Panama.

13. For the text as adopted, see chapter II, section A, resolution 1990/14.

14. At the same meeting, the representative of France introduced draft resolution E/CN.4/1990/L.27, sponsored by Belgium, Colombia, Czechoslovakia*, France, the German Democratic Republic*, Greece*, Iraq, Italy, Luxembourg*, Morocco, Nicaragua*, the Philippines, Portugal, Senegal, Spain, Swaziland, Togo*, the Union of Soviet Socialist Republics and Uruguay*. Kenya*, the Syrian Arab Republic* and Zaire* subsequently joined the sponsors.

15. The representative of France orally revised the draft resolution as follows:

(a) In the last preambular paragraph, the words "Aware that the adoption of effective measures to promote enjoyment of all human rights and fundamental freedoms requires a better understanding of the causes of extreme poverty" were replaced by the words "Aware of the necessity of a better understanding of the causes of extreme poverty".

(b) In operative paragraph 3, the words "the duty to guarantee full enjoyment of human rights" were replaced by the words "the ability to enjoy human rights fully".

16. The draft resolution, as orally revised, was adopted without a vote.

17. Statements in explanation of vote after the vote were made by the representatives of Japan and Peru.

18. For the text as adopted, see chapter II, section A, resolution 1990/15.

19. At the same meeting, the representative of Spain introduced draft resolution E/CN.4/1990/L.31/Rev.1, sponsored by Argentina, Austria*, Bulgaria, the German Democratic Republic*, Germany, Federal Republic of, Hungary, Italy, Mexico, Poland* and Spain. Ireland*, Morocco, the Philippines and Uruguay* subsequently joined the sponsors.

20. The draft resolution was adopted without a vote.

21. Statements in explanation of vote after the vote were made by the representatives of Cuba and Peru.

22. For the text as adopted, see chapter II, section A, resolution 1990/16.

23. At the same meeting, the representative of Portugal introduced draft resolution E/CN.4/1990/L.33, sponsored by Australia*, Belgium, Bulgaria, Colombia, Cyprus, Denmark*, Finland*, France, the German Democratic Republic*, Hungary, Norway*, the Philippines, Portugal, Senegal, Spain, Swaziland, Sweden, the United Kingdom of Great Britain and Northern Ireland and the Ukrainian Soviet Socialist Republic. Cameroon*, the Gambia, Nicaragua* and Zaire* subsequently joined the sponsors.

24. The draft resolution was adopted without a vote.

25. Statements in explanation of vote after the vote were made by the representatives of Cuba and Peru.

26. For the text as adopted, see chapter II, section A, resolution 1990/17.

27. At the 42nd meeting, on 27 February 1990, the representative of Peru introduced draft resolution E/CN.4/1990/L.28/Rev.1, sponsored by Colombia, Cyprus, Mexico, Nigeria, Peru, the Philippines, Venezuela and Yugoslavia.

28. A statement in explanation of vote before the vote was made by the representative of Japan.

29. At the request of the representative of Japan, a vote was taken on the draft resolution (E/CN.4/1990/L.28/Rev.1). The draft resolution was adopted by 36 votes to 2, with 5 abstentions.

30. Statements in explanation of vote after the vote were made by the representatives of Belgium, Cuba, France, Italy, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

31. For the text as adopted, see chapter II, section A, resolution 24.

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Agenda item 27

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Ross HYNES (Canada)

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*/ E/CN.4/1990/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1990/L.11 and addenda.

VIII. QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

1. The Commission considered agenda item 8 concurrently with items 7, 17 and 18 (see chaps. VII, XVII and XVIII) at its 16th to 21st meetings, held from 8 to 13 February 1990, and at its 38th meeting held on 23 February 1990. 2/

2. The Commission had before it the following documents:

Report prepared by the Secretary-General pursuant to Commission on Human Rights resolution 1989/45 (E/CN.4/1990/9 (Parts I, III and IV));

Analytical compilation of comments and views on the implementation and further enhancement of the Declaration on the Right to Development prepared by the Secretary-General (E/CN.4/1990/33);

Written statement submitted by the International Federation of Rural Adult Catholic Movements, a non-governmental organization on the Roster (E/CN.4/1990/NGO/18);

Written statement submitted by the Habitat International Coalition, a non-governmental organization on the Roster (E/CN.4/1990/NGO/44);

Written statement submitted by the Christian Democratic International, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO.45);

Written statement submitted by the Christian Democratic International, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/46);

Written statement submitted by the International Alliance of Women, a non-governmental organization in consultative status (category I) (E/CN.4/1990/NGO/59);

Report of the open-ended Working Group of Governmental Experts on the Right to Development (E/CN.4/1989/10).

3. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (20th), Bangladesh (20th), Belgium (19th), Bulgaria (20th), Brazil (21st), Byelorussian Soviet Socialist Republic (18th), Canada (18th), China (20th), Colombia (18th), Cuba (20th), Cyprus (20th), Ethiopia (20th), France (20th), India (20th), Iraq (19th), Italy (20th), Mexico (21st), Morocco (20th), Nigeria (19th), Pakistan (20th), Philippines (17th), Senegal (16th), Spain (19th), Swaziland (19th), Sweden (18th), United Kingdom of Great Britain and Northern Ireland (20th), Venezuela (16th), Yugoslavia (18th).

4. The Commission also heard statements by the observers for: Algeria (20th), Australia (17th), Bolivia (20th), Ecuador (18th), Gabon (21st), Guatemala (21st), Iran (20th), Lebanon (17th), Libyan Arab Jamahiriya (17th), Mongolia (18th), Netherlands (18th), Nicaragua (18th), Tunisia (20th).

5. A statement was made by the observer for the Holy See (17th).

6. A statement was made by the observer for the International Labour Organisation (19th).

7. The Commission also heard statements by the following non-governmental organizations: Baha'i International Community (18th), Four Directions Council (19th), Grand Council of the Crees of Quebec (18th), Indian Council of South America (20th), International Association against Torture (18th), International Confederation of Free Trade Unions (20th), International League for the Rights and Liberation of Peoples (21st), International Movement for Fraternal Union among Races and Peoples (21st), World Confederation of Labour (17th).

8. At the 38th meeting, on 23 February 1990, the representative of Yugoslavia introduced draft resolution E/CN.4/1990/L.24, sponsored by China, Cuba, Cyprus, Egypt*, Ethiopia, India, Mexico, Nigeria, Peru, Poland*, Romania*, Senegal, Tunisia*, Venezuela and Yugoslavia. Algeria*, Argentina, Bangladesh, Cameroon*, Kenya*, Nicaragua*, the Philippines, Somalia, the Syrian Arab Republic*, Tanzania* and Zaire* subsequently joined the sponsors.

9. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L....) of draft resolution E/CN.4/1990/L.24. 1/

10. A statement in explanation of vote before the vote was made by the representative of the United States of America.

11. The draft resolution was adopted without a vote.

12. Statements in explanation of vote after the vote were made by the representatives of Germany, Federal Republic of, Japan and the United Kingdom of Great Britain and Northern Ireland.

13. For the text as adopted, see chapter II, section A, resolution 1990/18.

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DRAFT REPORT OF THE COMMISSION

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*/ E/CN.4/1990/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1990/L.11 and addenda.

IX. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

1. The Commission considered agenda item 9 concurrently with item 4 (see chap. IV) at its 2nd to 10th meetings, held from 30 January to 5 February 1990, and at its 19th meeting, held on 12 February 1990. Item 9 was further considered at the Commission's 28th, 29th and 32nd meetings, held on 16, 19 and 20 February 1990. 2/

2. The Commission had before it the following documents:

Preliminary report prepared by Mr. Enrique Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries (A/44/526, annex);

Report by the Secretary-General prepared in accordance with Commission resolution 1989/19 (E/CN.4/1990/10);

Report on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, submitted by the Special Rapporteur, Mr. Enrique Bernales Ballesteros, pursuant to the mandate under Commission on Human Rights resolution 1989/21 (E/CN.4/1990/11);

Letter dated 15 January 1990 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva, addressed to the Under-Secretary-General for Human Rights (E/CN.4/1990/58);

Note by the Secretriat (E/CN.4/1990/64);

Letter dated 6 February 1990 from the Permanent Representative of the People's Republic of China to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1990/68);

Written statement submitted by the Federation of Associations of Former International Civil Servants, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/4);

Written statement submitted by the International Federation for Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/8);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster (E/CN.4/1990/NGO/32);

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/1990/NGO/42).

3. At the 9th meeting, on 5 February 1990, Mr. Enrique Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries, introduced his report (E/CN.4/1990/11).

4. In the general debate on this item, 3/ statements were made by the following members of the Commission: Argentina (6th), Bangladesh (6th), China (6th), Cuba (6th), Cyprus (6th), Germany, Federal Republic of (4th), Ghana (6th), Iraq (8th), Japan (6th), Morocco (6th), Nigeria (4th), Pakistan (6th), Panama (9th), Philippines (5th), Portugal (6th), Spain (5th), Sri Lanka (5th), Sweden (5th), Ukrainian Soviet Socialist Republic (5th), Union of Soviet Socialist Republics (6th), United Kingdom of Great Britain and Northern Ireland (5th), United States of America (6th).

5. The Commission also heard statements by the observers for: Algeria (7th), Byelorussian Soviet Socialist Republic (4th), Cambodia (8th), Czechoslovakia (5th), German Democratic Republic (4th), Greece (7th), Indonesia (7th), Iran, Islamic Republic of (9th), Israel (7th), Libyan Arab Jamahiriya (6th), Nicaragua (8th), Oman (3rd), Qatar (8th), Syrian Arab Republic (4th), Tunisia (6th), Turkey (7th), Viet Nam (7th), Yemen Arab Republic (6th).

6. Statements were also made by the observers for Palestine (7th) and the Pan Africanist Congress of Azania (2nd).

7. The Commission heard statements by the following non-governmental organizations: American Association of Jurists (10th), Centre Europe-Tiers Monde (10th), International Association against Torture (8th), International Commission of Jurists (9th), International Federation for Human Rights (9th), International Indian Treaty Council (8th), International League for the Rights and Liberation of Peoples (9th), International Organization for the Elimination of All Forms of Racial Discrimination (9th), Latin American Federation of Associations of Relatives of Disappeared Detainees (10th), Minority Rights Group (10th), Pax Christi (9th), World Federation of Democratic Youth (8th), World University Service (8th).

8. Statements in right of reply or equivalent to right of reply were made by the representatives of China (6th and 10th), Cuba (6th and 9th), Ethiopia (10th), India (8th and 9th), Iraq (10th), Pakistan (9th), Panama (9th), Portugal (8th and 10th), United States of America (9th) and Yugoslavia (10th),

and by the observers for Cambodia (7th and 9th), Democratic People's Republic of Korea (7th), Indonesia (7th and 9th), Israel (10th), Jordan (4th), Nicaragua (9th and 10th), Syrian Arab Republic (9th and 19th) and Viet Nam (10th).

9. At its 28th meeting, on 16 February 1990, the Commission took up consideration of the draft resolutions submitted under agenda item 9.

10. Draft resolution E/CN.4/1990/L.15, submitted by the Chairman, was adopted without a vote.

11. For the text as adopted, see chapter II, section A, resolution 1990/5.

12. Draft resolution E/CN.4/1990/L.9/Rev.1, submitted by the Chairman, was adopted without a vote.

13. For the text as adopted, see chapter II, section A, resolution 1990/4.

14. At the same meeting, the representative of India introduced draft resolution E/CN.4/1990/L.5, sponsored by Algeria*, Bangladesh, Bahrain*, China, Cuba, the Democratic Yemen*, Egypt*, the Gambia, Ghana, India, Iraq, Jordan*, Kuwait*, the Libyan Arab Jamahiriya*, Madagascar, Mauritania*, Morocco, Nigeria, Oman*, Pakistan, Qatar*, Saudi Arabia*, Senegal, Somalia, Sudan*, the Syrian Arab Republic*, Tunisia*, the Ukrainian Soviet Socialist Republic, the United Arab Emirates* and Yemen*. Afghanistan*, Angola* and Nicaragua* subsequently joined the sponsors.

15. At the 29th meeting, on 19 February 1990, the representative of Canada requested a separate roll-call vote on operative paragraph 1 of draft resolution E/CN.4/1990/L.5. Operative paragraph 1 was adopted by 30 votes to 7, with 5 abstentions. The voting was as follows:

In favour:	Argentina, Bangladesh, Botswana, Brazil, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.
Against:	Belgium, Canada, Germany, Federal Republic of, Italy, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.
Abstaining:	Bulgaria, France, Japan, Portugal, Spain.

16. At the request of the representative of United States of America, a vote was taken on draft resolution E/CN.4/1990/L.5 as a whole. The draft resolution was adopted by 30 votes to 1, with 10 abstentions.

17. The representative of Ghana subsequently indicated that, had he been present, he would have voted in favour.

18. A statement in explanation of vote after the vote was made by the representive of Sweden.

19. For the text as adopted, see chapter II, section A, resolution 1990/6.

20. At the 28th meeting, on 16 February 1990, the representative of Nigeria introduced draft resolution E/CN.4/1990/L.7, sponsored by Afghanistan*, Algeria*, Angola*, Botswana, Colombia, Cuba, the Libyan Arab Jamahiriya*, Madagascar, Morocco, Nicaragua*, Nigeria, Peru, Swaziland, the Syrian Arab Republic*, Tanzania* and Zimbabwe*. Cameroon*, Egypt*, India, Iraq, Somalia, Sudan* and the Ukrainian Soviet Socialist Republic subsequently joined the sponsors.

21. The representative of Nigeria orally revised operative paragraph 11 of the draft resolution by replacing the word "governmental" by the words "governments, intergovernmental and non-governmental".

22. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1990/L.25) of draft resolution E/CN.4/1990/L.7. 1/

23. At the 29th meeting, on 19 February 1990, the representative of Canada requested a vote on draft resolution E/CN.4/1990/L.7. The draft resolution, as orally revised, was adopted by 31 votes to 10, with 1 abstention.

24. Statements in explanation of vote after the vote were made by the representatives of Canada and the United States of America.

25. For the text as adopted, see chapter II, section A, resolution 1990/7.

26. At its 28th meeting, on 16 February 1990, the representative of Ethiopia introduced draft resolution E/CN.4/1990/L.8, sponsored by Afghanistan*, Algeria*, Angola*, Bahrain*, Burundi*, Cuba, Ethiopia, Gabon*, the Gambia, Ghana, Iraq, Kenya*, the Libyan Arab Jamahiriya*, Madagascar, Mauritania*, Morocco, Nicaragua*, Nigeria, Rwanda*, Sao Tome and Principe, Senegal, Somalia, Sudan*, Swaziland, the Syria Arab Republic*, Tanzania*, Togo*, Tunisia*, the Ukrainian Soviet Socialist Republic, Zaire* and Zimbabwe*. Bangladesh, Cameroon*, China, Egypt*, India, the United Republic of Tanzania* and Yugoslavia subsequently joined the sponsors. Swaziland and Zaire* subsequently withdrew as sponsors.

27. At the 29th meeting, on 19 February 1990, the representative of the Federal Republic of Germany requested a separate roll-call vote on operative paragraph 9 of the draft resolution which was adopted by 31 votes to 10, with 2 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Hungary, Swaziland.

28. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1990/L.8 as a whole. The draft resolution was adopted by 32 votes to 2, with 9 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain, Sweden.

29. Statements in explanation of vote after the vote were made by the representatives of Botswana, Canada, Germany, Federal Republic of, Japan, Portugal, Sweden and the United States of America.

30. For the text as adopted, see chapter II, section A, resolution 1990/8.

31. At the 28th meeting, on 16 February 1990, the representative of the Philippines introduced draft resolution E/CN.4/1990/L.14, sponsored by Brunei Darussalam*, Burundi*, Cameroon*, Colombia, the Gambia, Malaysia*, Mauritania*, Morocco, Nepal*, Oman*, Pakistan, the Philippines, Senegal, Singapore*, Somalia, Swaziland, Thailand*, Togo* and Turkey*. Chile*, Costa Rica*, Côte d'Ivoire*, Gabon*, Honduras* and Japan subsequently joined the sponsors.

32. At the 29th meeting, on 19 February 1990, a statement relating to the draft resolution was made by the representative of Mexico.

33. The representative of Mexico requested a separate roll-call vote on the last preambular paragraph of draft resolution E/CN.4/1990/L.14. The last preambular paragraph was adopted by 28 votes to 1, with 11 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Belgium, Botswana, Canada, China, Colombia, Cyprus, France, Gambia, Germany, Federal Republic of, Ghana, Italy, Japan, Morocco, Pakistan, Panama, Philippines, Portugal, Senegal, Somalia, Spain, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: Cuba.

Abstaining: Brazil, Bulgaria, Ethiopia, Hungary, India, Iraq, Madagascar, Mexico, Nigeria, Peru, Sri Lanka.

34. A statement in explanation of vote before the vote on draft resolution E/CN.4/1990/L.14 as a whole was made by the representative of the Union of Soviet Socialist Republics.

35. The representatives of Mexico and the Union of Soviet Socialist Republics requested a roll-call vote on draft resolution E/CN.4/1990/L.14 as a whole. The draft resolution was adopted by 31 votes to 5, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, China, Colombia, Cyprus, France, Gambia, Germany, Federal Republic of, Ghana, Italy, Japan, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Portugal, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Swaziland, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: Cuba, Ethiopia, India, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Belgium, Canada, Hungary, Iraq, Madagascar, Sweden.

36. Statements in explanation of vote after the vote were made by the representatives of Botswana, Bulgaria, Canada, India, Italy (on behalf of the Member States of the European Community) and Sweden.

37. Statements relating to the draft resolution were made by the observers for Cambodia and Viet Nam.

38. For the text as adopted, see chapter II, section A, resolution 1990/9.

39. At the 32nd meeting on 20 February 1990, the representative of Cuba introduced draft resolution E/CN.4/1990/L.2/Rev.2, sponsored by Cuba, the Libyan Arab Jamahiriya*, Nicaragua* and Viet Nam*.

40. At the same meeting, amendments (E/CN.4/1990/L.26) to draft resolution E/CN.4/1990/L.2/Rev.2 were submitted by the United States of America, reading as follows:

(1) INSERT A NEW FIRST PREAMBULAR PARAGRAPH AS FOLLOWS: "Bearing in mind the purposes of the United Nations, including, inter alia, that of developing respect for the principle of equal rights and self-determination of peoples,"

(2) LEAVE THIRD PREAMBULAR PARAGRAPH UNCHANGED AND REPLACE AS SECOND PREAMBULAR PARAGRAPH IN THE AMENDED TEXT.

(3) INSERT A NEW THIRD PREAMBULAR PARAGRAPH AS FOLLOWS: "Reaffirming the validity of the Universal Declaration of Human Rights and its relevance to enjoyment of the right to self-determination, in particular those provisions declaring that everyone has the right to take part in the government of his or her country, that the will of the people shall be the basis of the authority of the government, and that this will shall be expressed in periodic and genuine elections which shall be held by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,"

(4) DELETE FOURTH PREAMBULAR PARAGRAPH

(5) REVISE FIRST PREAMBULAR PARAGRAPH AS FOLLOWS AND RENUMBER AS NEW FOURTH PARAGRAPH: "Recalling that the General Assembly already considered the question of Panama at its forty-fourth session in resolution 44/240 of 29 December 1989,"

(6) INSERT SECOND PREAMBULAR PARAGRAPH AS NEW FIFTH PARAGRAPH

(7) INSERT A NEW SIXTH PREAMBULAR PARAGRAPH AS FOLLOWS: "Noting that the people of Panama participated in a national election on 7 May 1989 to choose the leaders of their country and that this election was adjudged to be free and fair by international observers,"

(8) INSERT A NEW SEVENTH PREAMBULAR PARAGRAPH AS FOLLOWS: "Recalling that the results of the election of 7 May 1989 were nullified by the former Government of Panama and that the Organization of American States in its resolution of 7 May 1989 considered that the abuses by the former Government of Panama in connection with the electoral process, 'abridged the right of the Panamanian people to freely elect their legitimate authorities,'"

(9) INSERT A NEW EIGHTH PREAMBULAR PARAGRAPH AS FOLLOWS: "Recognizing that the people of Panama are governed today by the individuals who were elected to their positions in the executive branch in the election of 7 May 1989,"

(10) INSERT A NEW NINTH PREAMBULAR PARAGRAPH AS FOLLOWS: "Acknowledging the fact that the foreign military forces that intervened in Panama in December 1989 have been completely withdrawn,"

(11) DELETE ORIGINAL OPERATIVE PARAGRAPHS 1 AND 2.

(12) INSERT A NEW OPERATIVE PARAGRAPH 1 AS FOLLOWS: "Welcomes the national election held in Panama on 7 May 1989,"

(13) REPLACE "Demands" WITH "Urges" IN ORIGINAL OPERATIVE PARAGRAPH 3 AND RENUMBER AS NEW OPERATIVE PARAGRAPH 2.

(14) RENUMBER ORIGINAL OPERATIVE PARAGRAPH 4 AS NEW OPERATIVE PARAGRAPH 3 IN THE AMENDED TEXT.

41. At the same meeting, the representative of the United States of America withdrew the amendments (E/CN.4/1990/L.26).

42. Statements in explanation of vote before the vote on draft resolution E/CN.4/1990/L.2/Rev.2 were made by the representatives of Argentina, Brazil, Mexico and Panama.

43. At the request of the representative of Cuba, a roll-call vote was taken on the second preambular paragraph of the draft resolution. The second preambular paragraph was adopted by 14 votes to 5, with 20 abstentions. The voting was as follows:

In favour: Brazil, Bulgaria, China, Cuba, Cyprus, Ethiopia, Hungary, India, Iraq, Mexico, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Canada, Germany, Federal Republic of, Panama, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belgium, Botswana, Colombia, France, Ghana, Italy, Japan, Madagascar, Morocco, Nigeria, Pakistan, Peru, Portugal, Somalia, Spain, Swaziland, Sweden, Venezuela.

44. At the request of the representative of Cuba, a roll-call vote was taken on the fourth preambular paragraph of the draft resolution. The fourth preambular paragraph was adopted by 13 votes to 8, with 18 abstentions. The voting was as follows:

In favour: Brazil, Bulgaria, China, Cuba, Cyprus, Ethiopia, India, Iraq, Mexico, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Belgium, Canada, Germany, Federal Republic of, Italy, Panama, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Botswana, Colombia, France, Ghana, Hungary, Japan, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Somalia, Spain, Swaziland, Sweden, Venezuela.

45. At the request of the representative of Cuba, a roll-call vote was taken on operative paragraph 1 of the draft resolution. Operative paragraph 1 was adopted by 14 votes to 8 with 17 abstentions. The voting was as follows:

In favour: Brazil, Bulgaria, China, Cuba, Cyprus, Ethiopia, Hungary, India, Iraq, Mexico, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Canada, Germany, Federal Republic of, Italy, Japan, Panama, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belgium, Botswana, Colombia, France, Ghana, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Somalia, Spain, Swaziland, Sweden, Venezuela.

46. At the request of the representative of the United States of America, a roll-call vote was taken on operative paragraph 2 of the draft resolution. Operative paragraph 2 was adopted by 10 votes to 9, with 19 abstentions. The voting was as follows:

In favour: Brazil, Bulgaria, China, Cuba, Ethiopia, Iraq, Mexico, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Canada, Germany, Federal Republic of, Italy, Japan, Morocco, Panama, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belgium, Botswana, Colombia, France, Ghana, Hungary, India, Madagascar, Nigeria, Pakistan, Peru, Philippines, Somalia, Spain, Sri Lanka, Swaziland, Sweden and Venezuela.

47. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1990/L.2/Rev.2 as a whole. The draft resolution was adopted by 14 votes to 8, with 17 abstentions. The voting was as follows:

In favour: Brazil, Bulgaria, China, Cuba, Cyprus, Ethiopia, Hungary, India, Iraq, Mexico, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Canada, Germany, Federal Republic of, Italy, Japan, Panama, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belgium, Botswana, Colombia, France, Ghana, Madagascar, Morocco, Nigeria, Pakistan, Peru, Philippines, Somalia, Spain, Swaziland, Sweden, Venezuela.

48. Statements in explanation of vote after the vote were made by the representatives of Belgium, Canada, Colombia, Cyprus, France, Ghana, Japan, Peru, Spain, Sweden, Venezuela.

49. For the text as adopted, see chapter II, section A, resolution 1990/10.

50. At the same meeting, the representative for Panama introduced draft resolution E/CN.4/1990/L.3/Rev.2, sponsored by Panama, reading as follows:

Situation with regard to self-determination in Panama and Cuba

The Commission on Human Rights,

Considering that in the debate on item 9, "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation", at the forty-sixth session of the

Commission on Human Rights, the observance of the right of self-determination was questioned with reference to the political and social situation in Panama and Cuba among other countries,

Considering that the Universal Declaration of Human Rights states in the preamble that "Member States have pledged themselves to achieve in co-operation with the United Nations the promotion of universal respect for and observance of human rights and fundamental freedoms",

Considering that the United Nations has a duty to promote full protection of human rights in all parts of the world,

Considering that observance of the right of "peoples to self-determination", in terms of living in a complete democracy and exercising sovereignty, has been sharply questioned with reference to Cuba,

Considering that intervention by one country in another's affairs, whether peaceful or violent, constitutes disregard of its right of self-determination,

Considering that totalitarian systems of government remain in power, in disregard of human rights,

1. Welcomes the withdrawal of the troops which participated in the United States military action on Panamanian territory on 20 December 1989;

2. Demands the unconditional withdrawal of the thousands of Soviet military advisers from Cuba, the unconditional withdrawal of Cuban troops from Angola and other African countries, and the withdrawal of the Cuban State's military and security advisers from Nicaragua;

3. Calls upon the Government of Cuba to permit movement in the direction of democracy so that fundamental changes can take place in its system of government;

4. Further calls upon the Government of Cuba to hold free and fair elections so as to enable its people to exercise the right to self-determination;

5. Condemns all totalitarian systems of government, considering them a violation of the human rights of their peoples, and in particular of their right of self-determination with regard to their domestic sovereignty.

51. At the same meeting, the representative of Panama withdraw draft resolution E/CN.4/1990/L.3/Rev.2.

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